

## **REMARKS**

In response to the prior restriction requirement, Applicants provisionally elected, subject to traverse, to prosecute claims 9-12. Applicants herein confirm the provisional election but respectfully request that the Examiner reconsider and withdraw the restriction requirement because search and examination of the entire application can be made without serious burden to the Examiner or the patent office. See MPEP §803. There is overlap between the subject matters of the claim sets identified by the Examiner such that all pending claims can be efficiently searched and examined at the same time. Accordingly, pursuant to MPEP §803, even though claims are directed to independent or distinct inventions, they should be examined together since this can be done without serious burden.

### **Claim Rejections**

Claim 9 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,860,398 to Potter, and under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004-0124567 (Stangier).

### **Potter**

Potter discloses a fitting for a plastic container. The fitting includes hollow inner and outer components between which a portion of the wall of the plastic container is sandwiched. According to Potter, this permits a barrier layer 51 of the container wall 48 to be continuous between the container and the fitting.

## **Stangier**

Stangier discloses a fuel tank insert that has a barrier layer 7 between layers of polyethylene 21, as shown in FIG. 7. To connect the insert to the fuel tank, an axially depending flange 3 is welded to the exterior of a wall 5 of the tank.

## **Independent Claim 9**

Independent claim 9, as amended, recites a fuel tank that comprises a shell defining an interior for holding fuel and having an opening for receiving fuel into the interior, a fill nipple having an outer surface and an inner surface defining a passage extending between a pair of generally opposed ends of the fill nipple with one end attached to the shell with the passage aligned with the opening allowing fuel to flow through the passage and into the cavity, the fill nipple has an inner layer of material forming the inner surface of the fill nipple, an outer layer of material forming the outer surface of the fill nipple, a vapor barrier layer between the inner and outer layers, and a pair of adhesive layers with one adhesive layer disposed between the outer layer and the vapor barrier layer and the other adhesive layer disposed between the inner layer and the vapor barrier layer, and a cover connected to the shell and the fill nipple and spanning the area of attachment of the fill nipple to the shell.

Neither Potter nor Stangier discloses, teaches or even suggests, among other things, a cover connected to the shell and the fill nipple, let alone a cover as defined in claim 9. For at least these reasons, claim 9 as amended defines novel and patentable subject matter over all cited art.

### **Dependent Claims 10-12 and 22**

Each of claims 10-12 and 22 is dependent upon claim 9 and defines patentable subject matter for at least those reasons that claim 9 is patentable. In addition, 10 has been amended to recite that the cover includes a vapor barrier layer. Claim 11 has been amended to recite that one end of said fill nipple is defined in part by a radially outwardly extending flange that presents at least a portion of the inner surface for attachment to the shell and the cover is attached to said flange. Claim 12 has been amended to recite that a plastic weld joint attaches the flange to the shell and the cover overlies the weld joint. Further, new claim 22 recites that the shell includes an outer layer and an inner layer, and the inner layer of the fill nipple is attached to the outer layer of the shell and the cover is attached to the outer layer of the fill nipple and the outer layer of the shell. None of the cited art discloses or suggests the combination of elements set forth in these claims. Accordingly, these claims also are patentable for at least these additional reasons.

### **New Claims 23-25**

Newly added claim 23 recites a fuel tank that comprises a shell defining an interior for holding fuel and having an opening for receiving fuel into the interior and a fill nipple having an outer surface and an inner surface defining a passage extending between a pair of generally opposed ends of the fill nipple. One end of the fill nipple is at least partially overlapped with and attached to the shell with the passage aligned with the opening allowing fuel to flow through the passage and into the cavity. The fill nipple has an inner layer of material forming the inner surface of the fill nipple, an outer layer of material forming the outer surface of the fill nipple, and a vapor barrier layer between the

inner and outer layers. The vapor barrier layer overlies the fuel tank along the entire extent of the overlap of the fill nipple and shell providing two vapor barrier layers along the entire extent of the overlap of the fill nipple and shell.

None of the cited art discloses or even suggests a fill nipple, that, among other things, is constructed as set forth in claim 23 and includes a vapor barrier layer overlies the fuel tank along the entire extent of the overlap of the fill nipple and shell providing two vapor barrier layers along the entire extent of the overlap of the fill nipple and shell.

New claims 24 and 25 are dependent upon claim 23 and define patentable subject matter for at least those reasons claim 23 is patentable. Additionally, claim 24 recites the end of the fill nipple not attached to the shell is constructed and arranged to carry at least a portion of two separate fuel system components. In an exemplary embodiment disclosed in the specification, one fuel system component is a fill pipe and another is a check valve. Of course, other fuel system components may be associated with or connected to the fill nipple. And claim 25 recites that said one end includes a radially inwardly extending flange and said another end includes a radially outwardly extending flange. No cited art discloses or suggests such a construction and arrangement.

### **CONCLUSION**

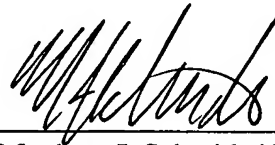
Each of claims 1-25 as previously presented, as amended, or as newly added is believed to define patentable subject matter over all the cited references. Accordingly, reconsideration and allowance of each of these claims is respectfully requested.

If, after considering this Response, the Examiner believes any of the claims are not in condition for allowance, it is respectfully requested that the Examiner initiate a

telephone interview with Applicants' undersigned attorney, Matthew J. Schmidt, whose telephone number is (248) 689-3500, so immediate consideration can be given to any further amendment suggested by the Examiner or needed to place all of the claims in condition for allowance.

Applicants enclose a check in the amount of \$400.00 for payment of the fee for 4 extra claims and 1 extra independent claim. Any additional fee deemed necessary for this response may to be charged to deposit account no. 50-0852.

Respectfully submitted,



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